

EXHIBIT B

Affidavit of Nicholas Kho

AFFIDAVIT OF NICHOLAS KHO

STATE OF NEVADA

ss:

COUNTY OF CLARK

I, NICHOLAS KHO, being duly sworn, deposed and say that:

1. I am over the age of 18 and am a resident of the State of Nevada. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.

2. I suffer no legal disabilities that would prevent me from testifying.

3. I have personal knowledge of the facts set forth below.

4. Todd Vandehey used the email address of tvandehey@gmail.com as his primary RSD business email account and contact point throughout his career with RSD. Accordingly, it is considered Real Social Dynamics (RSD) Business Email Account.

5. Vandehey has used the email account of tvandehey@gmail.com for every aspect of communication with RSD Staff and RSD Clients, including travel, sales, marketing, management, negotiation, rent, banking, finance, accounting, customer service, and public relations.

6. Vandehey used tvandehey@gmail.com to create login credentials and accounts not only for internal RSD business, but for RSD order processing and technology support, including:

- (i) the merchant account with Humboldt Bank for Valentine Life,
 - (ii) the merchant account with Incheck for Valentine Life,
 - (iii) the merchant account with Incheck for Immersion VIP LLC,
 - (iv) the Valentine Life Bank of America account,
 - (v) the Valentine Life Paypal account,
 - (vi) the “RSD Todd” Skype Account,
 - (vii) the RSD Vimeo Account for RSD Copyrighted videos,
 - (viii) RSD Inner Circle Meetup.com Groups,
 - (ix) RSD Social Media accounts, and
 - (x) RSD Webinars via WebEx Conference for RSD Client and RSD Management.

7. Vandehey's usage of a third party email account of tvandehey@gmail.com was authorized by RSD because it is a free email account and not subject to the technological limitations of the [@realsocialdynamics.com](http://realsocialdynamics.com) domain or RSD's online infrastructure.

1 8. RSD Instructors and RSD Staff use third party business email accounts before being
 2 given @realsocialdynamics.com email accounts because RSD does not want to incur the additional
 3 costs incurred with a high volume of accounts; however, all such RSD Contractors are explicitly
 4 informed that these are RSD Business Email accounts.

5 9. All RSD Contractors are told verbally and in writing upon hiring that RSD Business
 6 Email Accounts (even third party email accounts) are the exclusive property of Real Social Dynamics,
 7 including all business correspondence and business email accounts are RSD Business assets. Section
 8 16 of Vandehey's RSD Contractor Agreement states:

9 a. The Contractor acknowledges in any position the Contractor may hold, in
 10 and as a result of the Contractor's contract by the Principal, the Contractor will, or may,
 11 be making use of, acquiring or adding to information about certain matters and things
 12 which are confidential to the Principal and which information is the exclusive property
 13 of the Principal, including, without limitation: a. 'Confidential Information' means all
 14 data and information relating to the business and management of the Principal,
 15 including proprietary and trade secret technology and accounting records to which
 16 access is obtained by the Contractor, including Work Product, Computer Software,
 17 Other Proprietary Data, Business Operations, Marketing and Development Operations,
 18 and Customers. Confidential Information will also include any information that has
 19 been disclosed by a third party to the Principal and governed by a non-disclosure
 20 agreement entered into between the third party and the Principal.

21 10. All members of the RSD's executive team have signed affidavits, including the RSD
 22 Chief Financial Officer, RSD Chief Marketing Officer, RSD Chief Operations Officer, and RSD Sales
 23 Manger stating that all RSD Staff are told in writing and verbally about the RSD company policy
 24 regarding all third party email accounts (e.g. gmail.com, yahoo.com, outlook.com) being RSD assets
 25 so that RSD Contractors clearly know that such an email account belongs to RSD and that it will be
 26 used for all RSD-related business.

27 11. Vandehey openly supported the idea of using third-party email servers such as
 28 gmail.com for RSD-related business. He likewise advocated for other RSD Contractors working
 29 directly with him to create similar accounts, such as the RSD business email account of Kaitlin
 30 Severin, who used rsdkaitlin@gmail.com for all of her RSD business from 2015-2017.

31 12. Vandehey setup his RSD email address (todd@realsocialdynamics.com) to forward all
 32 incoming messages to tvandehey@gmail.com. Furthermore, Vandehey setup his Gmail address
 33 (tvandehey@gmail.com) with the recovery email set to his RSD email address so RSD Staff could
 34 access critical emails when needed.

1 13. Vandehey, as well as all other staff who use third party email accounts, share the login
2 credentials of those accounts with RSD Staff, Managers, and C-team members.

3 14. There have been years when tvandehey@gmail.com was the only email account
4 Vandehey used for RSD business because there were no other RSD business email accounts in
existence.

5 15. An inability to access the tvandehey@gmail.com account is causing irreparable harm
6 to RSD because there is no way for RSD to service customers who purchased Vandehey-related
7 products and services.

8 16. Vandehey's current claim that tvandehey@gmail.com is a personal account has no
9 basis in fact. It was created with the specific purpose of facilitating RSD Business and to be the
primary point of contact for Vandehey.

10 17. On September 11, 2017, I accessed tvandehey@gmail.com from my smart phone with
11 the same credentials Vandehey voluntarily disclosed to RSD prior to the start of its use. I did so with
12 the intention of (1) obtaining RSD customer support emails, (2) RSD customer payment receipts, and
13 (3) to disassociate Vandehey's email from any RSD social media accounts or merchant accounts.
14 Furthermore, after his termination, analysis of RSD financial records indicated Vandehey embezzled
over \$800,000.00 from RSD, and tvandehey@gmail.com was used to facilitate Vandehey's actions.

15 18. I do not recall seeing, reading, or otherwise viewing any emails between Vandehey and
16 his attorney(s), nor have I knowingly used, or otherwise shared, any privileged communication
17 between Vandehey and non-RSD persons/entities.

18 19. The Valentine Life LLC entity is inexorably linked to tvandehey@gmail.com because
19 it was used as the primary contact account for (1) Valentine Life merchant accounts and (2) Valentine
20 Life products, including textanddatesmachine.com, womenbytodd.com, daygameaccelerator.com.
The Facebook and Vimeo accounts linked to these products, which provide customer and sales
support, are solely accessed by tvandehey@gmail.com, and at present, are inaccessible to RSD.

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1 21. I am signing this affidavit freely and voluntarily. If called to do so, I would competently
2 and truthfully testify to all matters set forth herein.
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FURTHER YOUR AFFIANT SAYETH NAUGHT.

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Nicholas Kho
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10 11 12 NICHOLAS KHO
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SUBSCRIBED and SWORN to before me
10 11 this 8th day of Dec., 2017.

12 NOTARY PUBLIC
13 In and for the State of Nevada, County of Clark
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